

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

Because such claims do not arise out of the same transaction or occurrence under Rule 20 of the Federal Rules of Civil Procedure, they cannot be joined in one suit.

WHEREFORE, Merck respectfully requests that the Court sever plaintiffs' claims, pursuant to Federal Rules of Civil Procedure 20 and 21, so that each plaintiff's claims can proceed in a separate lawsuit.

Respectfully submitted,

BRYAN CAVE LLP

By: /s/ Dan Ball

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Attorney for Defendant  
Merck, Sharp & Dohme Corp.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 22, 2011, a copy of the foregoing was served via U.S. mail, first-class postage prepaid, to the following counsel and filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system on all counsel of record.

John Driscoll  
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